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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Mays, Jr.
Appl. No.: 09/648,847 GPAU.: 2633
Filed: 08/25/2000 Examiner: Li, Shi K.
Docket No.: MYS-00-02-02 Conf. No.: 6265
For: SHARED MULTI-CHANNEL PARALLEL OPTICAL INTERFACE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: 703-308-6916

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

1. Petition Fee

☒ Small entity fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

2. Extension of Time Fee

☒ A two-month extension of time fee (small entity) was paid with Applicant's Amendment After Final filed June 14, 2004 (\$210.00). Applicant is including with this submission \$280.00 in extension-of-time fees, which \$280.00 is the difference between the two-month

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extension-of-time fee for small entities at the time of the Amendment After Final, and the current three-month extension-of-time fee.

3. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Response and Amendment:

☒ is enclosed herewith.

B. The issue fee and publication fee is not applicable.

4. Terminal disclaimer with disclaimer fee

☒ Two Terminal Disclaimers with the proper fees were filed with the Amendment After Final filed June 14, 2004.

5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

On or about January 21, 2004 a Final Office action was received that included an obvious-type double patenting rejection in view of two co-pending United States patent applications. After several weeks of studying the other two case files, determining the best course of action, and communicating with the Applicant on the situation it was observed that there was a need to file Supplemental Information Disclosure Statements. To that end an Information Disclosure Statement was filed on April 14, 2004.

Communications were sent to the Applicant explaining the consequence of the terminal disclaimers and the impact of the same on the Patent Term Adjustment. After attempts

were made to obtain properly executed Terminal Disclaimers from the Applicant (Applicant executed, but did not date the same), Applicant's attorney decided to execute the same on the Applicant's behalf and file the same with the USPTO. This was effectuated on or about June 16, 2004, along with a Response After Final that was thought to place the case in condition for allowance. However, an Advisory Action was issued nearly two weeks after the six month date indicating that the Amendment recited new matter.

Apparently, a typographical error exists in claim 21 in which the communication system was indicated as having opposed sides, both of which are arcuate. Nonetheless, due to the timing of the receipt of the Advisory Action, a Notice of Abandonment was mailed on August 18, 2004, resulting in the present Petition to Revive the application as unintentionally being abandoned.

A application may be revived as unintentionally being abandoned upon filing a Request for Continued Examination, the payment of the fee set forth in 37 CFR section 1.17(m) and submission of a statement that the entire delay in filing the required reply until the filing of a grantable petition to revive was unintentional. See 37 CFR section 1.137. In the instant matter, Applicant submits the statement that the entire delay in filing the require reply was unintentional. This is evidenced by the facts set forth above and the Request for Continued Examination (RCE) filed herewith, along with the amendment attached thereto. Applicant in the aforementioned attached amendment changes the wording of claim 21 so that it more closely matches the verbiage of claim 10, which was indicated as reciting allowable subject matter, once the Terminal Disclaimers are entered.

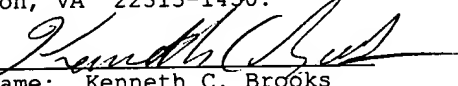
It is submitted that the proposed response clearly places the application in condition for allowance. Additionally, a check is submitted herewith to cover all fees necessary to cover the cost of this petition and the RCE. If any additional fees are required herein, the Office is authorized to charge any underpayment to Deposit Account number 50-0345 and credit any overpayment thereto.

Applicant respectfully requests that the hold of abandonment be withdrawn. A Notice of Allowance is earnestly solicited.

Enclosures:

- ☒ Fee Transmittal
- ☒ Response and Amendment
- ☒ Request for Continued Examination (RCE)
- ☒ Check for payment of fees
- ☒ Return Postcard

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being deposited with the United States Postal Service on October 14, 2004, as first class mail, addressed to Office of Petitions, Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

Signed: 
Typed Name: Kenneth C. Brooks

Date: October 14, 2004

Respectfully Submitted,



Kenneth C. Brooks
Reg. No. 38,393

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